

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal Action No.
	)	11-00073-01-CR-W-DGK
RUSSEL B. GERLT,	)	
	)	
Defendant.	)	

ORDER

On April 12, 2011, the Court ordered Defendant to undergo a psychiatric or psychological examination pursuant to 18 U.S.C. § 4241 for a judicial determination of Defendant's mental competency. Defendant was examined by Dr. Ron Nieberding, who prepared a report dated July 8, 2011. Due to Defendant's refusal to participate in necessary testing, Dr. Nieberding could not provide a definitive opinion on the issue of Defendant's competence. However, Dr. Nieberding was able to identify factors suggesting the Defendant may be competent and factors suggesting he may not. During a competency hearing held before United States Magistrate Judge John T. Maughmer on August 22, 2011, Defendant and the government stipulated to the report of Dr. Nieberding. No additional evidence was presented. On September 13, 2011, Judge Maughmer entered a "Report and Recommendation," recommending that Defendant be declared competent to stand trial. No objections were filed by the parties. Therefore, after making an independent review of the record and applicable law, it is

ORDERED that the "Report and Recommendation" of Magistrate Judge Maughmer is adopted in its entirety. This Court finds that defendant is competent to understand the nature and consequence of the proceedings against him, to assist properly in his defense, and to stand

trial.

/s/ Greg Kays  
GREG KAYS  
United States District Judge

Date: October 26, 2011